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Response
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PATENT
Customer No. 22,852
Attorney Docket No. 03180.0248

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Sadayuki MORI et al.) Group Art Unit: 2811
)
Application No.: 09/522,594) Examiner: D. Owens
)
Filed: March 10, 2000)
)
For: SEMICONDUCTOR DEVICE)
WITH FUSE AND METHOD OF)
MANUFACTURING SAME)

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Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE AND REQUEST FOR REQUEST FOR RECONSIDERATION

In reply to the Office Action dated January 29, 2003, Applicants request reconsideration and reexamination of the subject application.

REMARKS

In the Office Action, the Examiner allowed claims 1, 2, 5-23, 30-32, 36-42, and 44. Additionally, the Examiner objected to claims 35 and 43 as being dependent upon a rejected base claim but indicated that they would be allowable if rewritten in independent form including all of the recitations of the base claim and any intervening claims. Applicants thank the Examiner for indicating allowable subject matter in this case. Applicants, however, respectfully point out that claim 43 depends from allowed claim 41 and, hence, should also be allowable since claim 41 was indicated as being (allowed. Thus, Applicants request that the Examiner withdraw the objection to claim 43.

(ye)

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Also, Applicants respectfully submit that claim 35 is allowable as currently written for at least the reason advanced hereafter.

Further, the Examiner indicated that claim 34 was allowed. Claim 34 depends from claim 33. Since the claim 34 is a dependent claim, Applicants are unclear if the Examiner intended to object to this claim as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the recitations of the base claim and any intervening claims. Applicants request that the Examiner clarify the status of this claim in the next Office correspondence. For the purpose of this response, Applicants will assume that the Examiner intended to include claim 34 in the rejection of claim 33.

The Examiner also rejected claim 33 under 35 U.S.C. § 102(e) as anticipated by Huang et al., U.S. Patent No. 6,162,686 ("Huang"). In response, Applicants respectfully submit that Huang fails to anticipate claim 33 because Huang fails to teach all the claim elements.

In order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102(e), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131 (8th Ed., Aug. 2001), *quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131, p. 2100-69.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Claim 33 is directed to a semiconductor device comprising a combination of elements including, *inter alia*, "a first conductor formed on [a] semiconductor substrate through [a] first insulating film."

Huang is directed to a semiconductor device having a guard ring structure. The Examiner alleged that the semiconductor device of Huang comprises a first insulating films 24, 30 and a first conductor films 26, 38B on a substrate 10 and extending through first insulating films 24, 30 (Office Action, p. 3). Contrary to the Examiner's allegations, Huang does not disclose that the first conductor film is formed on substrate 10. Huang discloses that W plugs 26, 38B are formed through insulating films 24, 30 on conductive strips 20A and 20B and are not formed on a substrate 10. See Huang, Fig 5 and col. 5, lines 46-52. Thus, Huang does not teach at least "a first conductor formed on [a] semiconductor substrate" as recited in claim 33. Hence, Huang fails to anticipate claim 33. For at least this reason claim 33 is allowable.

Claims 34 and 35 are allowable at least due to their dependence from allowable claim 33.

In view of the foregoing, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

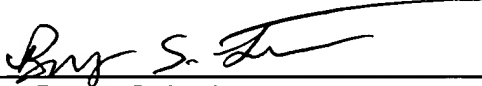
1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 3, 2003

By: 
Bryan S. Latham
Reg. No. 49,085

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com